

CHANGING A TRIAL DATE

King County Family Law Facilitators: Instruction # J-1
King County Local Rule 40(e)(1)(2)
Washington Civil Rule 40(e)

If you would like to request that your trial date be changed, you should do so in writing by the deadline listed on your Case Schedule (approximately 8 months after the Petition was filed). You may wish to read each of the court rules listed above or consult with an attorney to determine which rule may apply to your situation.

STEP 1: OBTAIN AND COMPLETE THE REQUIRED FORMS

- [Notice for Hearing, Kent or Seattle](#)

Use a Seattle form or a Kent form, depending on your case assignment. You will choose the “Calendar Date” (the date you wish the Judge to consider your motion). This calendar date must be at least six court days from the day you file with the clerk and deliver the documents to the other party. See Step 4, for more information on service. Fill in the appropriate day of the week. Next to “Nature of Motion” write *Change Trial Date*.

If your case has been assigned to an individual judge, locate the box labeled “CASES ASSIGNED TO INDIVIDUAL JUDGES”. Check the box that says “Without Oral Argument”. *Without oral argument* means that there is no hearing; parties do not come to court. Below that, write the Judge’s name and the scheduled trial date (listed in Case Schedule).

If your case has not been assigned to an individual judge, locate the box labeled “CHIEF CIVIL DEPARTMENT”. Under “Non-Assigned Cases”, check the Non-dispositive Motions M-F (without oral argument) box.

Fill out the section that asks for your signature, name, address, and phone number. On the second page of this form, list the names, addresses, etc. of all parties requiring notice.

- [Motion to Change Trial Date](#)

(There is no standard form for this Motion so you will need to draft it yourself from a blank motion form – **WPF DRPSCU 01.0050**). Fill in the blanks and write a brief statement of facts about your situation. State specifically why you are asking the Judge to change your trial date.

- [Declaration form, WPF DRPSCU 01.0100](#)

Describe why you must change your trial date in more detail. Others who know about your case may also write declarations on your behalf.

- **Order on Motion to Change Trial Date**
(There is no standard form for this Order so you will need to draft it yourself from a blank order form – **WPF DRPSCU 01.0150**). Fill out this form according to how you would like the Judge to rule. You may wish to include two or three possible new dates for the trial, and any date or dates you request should be a Monday. You can also talk to the other party and if s/he agrees with your new trial date, s/he can sign the order under “Approved By”. Be aware that the Judge might not be able to schedule your trial on the date(s) you have requested or grant the request at all.
- **Declaration of Mailing or Delivery or Return of Service, WPF DRPSCU 01.0250.**
This form must be completed after you or another person have delivered or mailed the documents to the other party. Use a separate form for each party. See Step 4.

STEP 2: TALK TO AN ATTORNEY, IF POSSIBLE

These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. If you cannot afford to hire an attorney to represent you, you may be able to pay a lawyer to give you advice and review your paperwork for less cost. Contact the King County Bar Association Lawyer Referral Line for information about limited services representation. If you cannot afford these costs, there are limited free legal services available to low income people. Contact the Facilitators’ Office for a *Legal Resource List* or the King County Bar Association Lawyer Referral Line for information about resources for low income people. Even if you do not hire a lawyer to represent you throughout the proceeding, a lawyer can look over your paperwork, give you advice on how to present your evidence, and tell you whether this type of action is right for you.

STEP 3: MAKE COPIES AND FILE THE ORIGINALS WITH THE CLERK

Make 3 copies of all forms except the Declaration of Mailing or Delivery or Return of Service. You may need additional copies for other parties including the King County Prosecuting Attorney’s Office or a *Guardian ad Litem*. Write “PROPOSED” in the upper right hand corner on the copies only of the Order on Motion to Change Trial Date. Do not write this on the original.

File the originals of the Notice for Hearing, Motion to Change Trial Date, and Declaration with the Clerk’s Office. Do not file any copy or original of the Order on Motion to Change Trial Date with the Clerk.

STEP 4: DELIVER JUDGE’S COPIES

Judge’s Copies consist of:

- A copy of all forms, including the Declaration of Mailing or Delivery or Return of Service;
- The original of the Order on Motion to Change Trial Date; and
- A stamped envelope addressed to each party.

In the top right hand corner of the first page of the Judge's Copies write:

JUDGE'S COPIES

NAME OF JUDGE: _____
(If no judge assigned, write "Chief Civil Department.")

CALENDAR DATE: _____
(Fill in the date you chose)

WITHOUT ORAL ARGUMENT

NAME: _____, Moving Party
(Your name)

Deliver the Judge's Copies to the Judge's Mailroom.

STEP 5: DELIVER OR MAIL DOCUMENTS TO THE OTHER PARTY

You must deliver or mail copies of all forms, except the Declaration of Mailing or Delivery, or Return of Service, to all other parties. Delivery must be made at least six court days prior to the calendar date. Court days do not include weekends or holidays. ***If you are mailing the documents you must add three days to the six court day notice requirement.*** If the other party has an attorney, deliver or mail to the attorney instead. After you or another person have delivered or mailed the documents, the Declaration of Mailing or Delivery, or Return of Service, must be completed and signed by the person who did the mailing or delivery. Make one copy of this form for your records and one copy for the Judge. If you were unable to include a copy with the first set of Working Papers to the Judge, deliver the copy as soon as possible, following the instructions in Step 4. File the original with the Clerk's Office.

Keep one set of copies for your records.

STEP 6: WAIT FOR THE JUDGE'S DECISION

Since this motion is heard without oral argument (parties do not appear in court), the parties will be informed of the Judge's decision by mail in the pre-addressed, stamped, envelopes you provided. Also, if the trial date is changed, the Judge may amend the case schedule, or direct the Clerk to issue a new case schedule. If you do not receive an amended case schedule, you can get a copy of the amended case schedule from your case file in the Clerk's Office.

WARNING: These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. You may be able to hire a lawyer for a small fee to review your completed forms and talk about your problem but not represent you in court. If you need a lawyer, contact the Family Law Facilitators' Office for a *Legal Resource List* or call the King County Bar Association.